

REMARKS

Entry of Applicants' response to the Restriction Requirement and Supplemental Amendment is respectfully requested.

In the Office Action, the Examiner, citing 35. U.S.C. §121, has required election of allegedly distinct inventions. According to the Examiner there are two groups (Group I, claims 1-7, Group II, claims 8-12) of claims related to allegedly distinct inventions.

In view of the alleged distinctness, Claims 1-7 and 8-12 have been reviewed in view of the Manual of Patent Examining Procedure (MPEP) 806.05, et seq. and it is respectfully submitted that apparent interpretation of MPEP 806.05, et seq. may exceed the intent thereof. Accordingly, and from that viewpoint, applicant respectfully requests reconsideration of the requirement because the two Groups are sufficiently related to justify the inclusion and examination of all claims in one application (See Sections 802.01; 802.02 and 803 MPEP). Referring specifically to the MPEP, Section 803 thereof states: "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions". (Emphasis added).

Further, MPEP Section 806.05 states: "Where two or more related inventions are being claimed (which MPEP 803 states the Examiner must examine if such can be made without serious burden), the principal question to be determined in connection with a requirement to restrict or a rejection on the ground of double patenting is whether or not the inventions as claimed are distinct. If they are distinct, restriction may be proper. If they are not distinct, restriction is never proper." (Emphasis added).

Further, even though the fact that the subject matter of claims (thought to be distinctive) be classifiable in different classes or that different field of search may be made, is not finally determinative of the propriety of the requirement to elect an invention for prosecution on the merits.

In view of the foregoing, applicant is of the opinion that the required distinctiveness has not been demonstrated and, accordingly, applicant hereby respectfully traverses the requirement to elect as between said Group I and Group II claims and requests reconsideration and withdrawal thereof.

However, to reiterate, in order to be fully responsive to said office Action, applicant hereby provisionally elects the Group II, claim 8, and all claims dependent therefrom.


With regard to the amendments of claims 2-7 and 12, they improve the form of the claimed invention and permit the Examiner to determine the patentability of additional features of the selected Group II, none of the selective features being mutually exclusive.



Respectfully submitted,

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Enclosures: Marked Version

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TC 1700

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 4/9/03
(Signature and Date)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Jin-Seong YANG Art Unit: 1731
Application No.: 09/734,124 Examiner: Carlos N. Lopez
Filed: December 11, 2000
For: HIGH EFFICIENCY BURNER FOR OVER CLADDING AND
APPARATUS FOR OVER CLADDING LARGE DIAMETER
OPTICAL FIBER

**MARKED VERSION OF RESPONSE TO RESTRICTION REQUIREMENT
AND SUPPLEMENTAL AMENDMENT**

Assistant Commissioner for Patents
Box Amendment
Washington, DC 20231

Sir:

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I. In response to the Restriction Requirement Action mailed March, 10, 2003 in the above-identified Application, Applicants respectfully select Group II, drawn to a cladding apparatus for an optical fiber. Group II is independent claim 8 and all claims dependent therefrom.

IN THE CLAIMS:

II. Please amend the claims as follows:

2. (Amended) The [high efficiency burner] apparatus according to Claim [1] 8, wherein the burner includes burners bodies arranged between burner covers, said burner bodies are operable independently of each other.

3. (Amended) The [high efficiency burner] apparatus according to Claim [1] 8, further comprising [individual] mass flow controllers for controlling a flow of gas to each respective row of said fuel dischargers.

4. (Amended) The [high efficiency burner] apparatus according to Claim 3, wherein each individual mass flow [con troller] controller is operable independently.

5. (Amended) The [high efficiency burner according to] apparatus of Claim [1] 3, wherein the mass flow of gas is oxygen and hydrogen gas.

6. 6. (Amended) The [high efficiency burner for over-cladding] apparatus of Claim [1] 3, wherein the mass flow of gas is LPG or butane gas.

7. (Amended) The [high efficiency burner for over-cladding] apparatus of Claim [1] 8, wherein the fuel dischargers include an oxygen discharger and a hydrogen discharger.

12. (Amended) The apparatus recited in claim 10, wherein the [individual] individual mass flow controllers are flow meters.